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Date 25/02

	Attorney Docket	CORA-007CIP	
RESPONSE	First Named Inventor	Brent CONSTANTZ	
REST ONSE	Application Number	09/728,171	
	Filing Date	December 1, 2000	
Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Group Art Unit	1617	
	Examiner Name	J. Kim	
washington, D.C. 20231	Title	METHODS AND KITS FOR USE IN PREVENTING RESTENOSIS	

Sir:

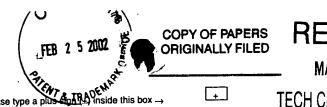
In response to the Office Action dated December 4, 2001, the Applicant has prepared the following remarks, in view of which the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-20, the only claims pending and under examination at this time.

REMARKS

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Martindale. The Examiner bases this rejection on the assumption that the recited instructional element is not deemed to hold any patentable weight.

However, the Examiner has cited no case law or MPEP section to support this position. In fact, courts treat instructions for use, e.g., in the form of printed matter, as a separate element to be accorded patentable weight just like any other recited element.

The Federal Circuit in In re Gulack, 217 U.S.P.Q 401 (1983) held that:



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		Application Number	09/728,171 December 1, 2000 CONSTANTZ, BRENT R. 1617						
TRANSMITTAL FORM					Filing Date				
					First Named Inventor				
					Group Art Unit				
(to be used for all correspondence after initial filing)			Examiner Name	KIM, JENNIFER M.					
Total Number of Pages in This Submission 5			Attorney Docket Number	CORA-007CIP					
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